

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

ROWVAUGHN WELLS, Individually and as
ADMINISTRATRIX AD LITEM of the Estate of
TYRE DEANDRE NICHOLS, Deceased,

Plaintiff,

v.

No. 2:23-cv-2224-MSN-atc

CITY OF MEMPHIS, a municipality,
CHIEF CERELYN DAVIS, in her official capacity,
EMMITT MARTIN III, in his individual capacity,
DEMETRIUS HALEY, in his individual capacity,
JUSTIN SMITH, in his individual capacity,
DESMOND MILLS, JR., in his individual capacity,
TADARRIUS BEAN, in his individual capacity,
PRESTON HEMPHILL, in his individual capacity,
ROBERT LONG, in his individual capacity,
JAMICHAEL SANDRIDGE, in his individual capacity,
MICHELLE WHITAKER, in her individual capacity,
DEWAYNE SMITH, in his individual capacity, and
as an agent of the City of Memphis,

Defendants.

**JOINDER OF DEFENDANTS PRESTON HEMPHILL AND DEWAYNE SMITH TO
DEFENDANT CITY OF MEMPHIS' UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS**

COME NOW Defendants Preston Hemphill and Dewayne Smith (hereafter "Defendants Hemphill and Smith"), individually, through counsel, to join in Defendant City of Memphis' Motion for Extension of Time to File Reply in Support of Motion to Dismiss, to the extent their arguments are also applicable to Defendants Hemphill and Smith, noting in support the following:

1. Plaintiff's First Amended Complaint was filed on January 3, 2025. (ECF No. 277.)

2. On February 20, 2025 Defendants Hemphill and Smith filed their Motion to Dismiss Plaintiff's First Amended Complaint. (ECF No. 314.)

3. On March 17, 2025, Plaintiff filed her Motion for Extension of Time to File Omnibus Response to Defendants' Motions to Dismiss. (ECF No. 341). On March 18, 2025, the Court granted Plaintiff's Motion. (ECF No. 342)

4. On March 20, 2025, Plaintiff filed her Motion for Leave to File Response Brief in Excess of 20 Pages. (ECF No. 346). On March 20, 2025, Plaintiff filed her Omnibus Response in Opposition to Rule 12(b)(6) Motions Filed by Various Defendants. (ECF No. 347). On March 23, 2025, the Court granted Plaintiff's Motion for Leave, allowing Plaintiff to file a consolidated response brief up to forty (40) pages. (ECF No. 353).

5. On April 1, 2025 the City filed an Unopposed Motion for Extension of Time to File Reply in Support of its Motion to Dismiss, (ECF No. 365) which was granted the same day. (ECF No. 366).

6. Pursuant to Local Rule 12.1(c), Defendants Hemphill and Smith's Reply in Support of Motion to Dismiss is due on or before April 4, 2025. Defendants Hemphill and Smith seek a seven (7) day extension of that deadline, which would make the Reply in Support of Motion to Dismiss due on or before April 11, 2025.

7. Defendants Hemphill and Smith's requested extension is sought in good faith and not for any dilatory or improper purpose. While Defendants Hemphill and Smith have been diligent in preparing their Reply, due to the complexity of the legal issues involved and length of Plaintiff's Response brief, Defendants Hemphill and Smith respectfully request an additional seven (7) days to file their Reply.

8. No party opposes Defendants Hemphill and Smith's requested relief.

Based upon the above referenced arguments, Defendants Hemphill and Smith respectfully join in Defendant City of Memphis' Unopposed Motion for Extension of Time to File Reply in Support of their Motion to Dismiss.

Respectfully submitted,

**GODWIN, MORRIS, LAURENZI
& BLOOMFIELD, P.C.**

s/ Mary Elizabeth McKinney
Mary Elizabeth McKinney (TN Bar #21597)
Deborah E. Godwin (TN Bar #9972)
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CERTIFICATE OF CONSULTATION

I, Mary Elizabeth McKinney, counsel to Defendants Preston Hemphill and Dewayne Smith, individually hereby certify that I contacted all counsel via email and/or telephone, who do not oppose the relief requested in this Motion.

s/ Mary Elizabeth McKinney
Mary Elizabeth McKinney

CERTIFICATE OF SERVICE

I, Mary Elizabeth McKinney, hereby certify that on April 2, 2025, I filed a copy of the foregoing with the Court via the Court's ECF system, and that upon filing, a copy will be sent via the Court's ECF system to all registered parties in this case.

I further certify that there are no non-registered parties in this case.

s/ Mary Elizabeth McKinney
Mary Elizabeth McKinney